

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY,
AND AS FATHER AND NEXT FRIEND OF
JOHN WATSON,

Plaintiff,

v.

HUSQVARNA PROFESSIONAL
OUTDOOR PRODUCTS, INC.,

Defendant.

CIVIL ACTION
NO: 04-11782DPW

**PLAINTIFF'S MOTION IN LIMINE TO PRECLUDE ANY REFERENCE TO PAST
ALCOHOL OR DRUG USE**

The Plaintiff hereby moves this Court to issue an order precluding the Defendant from offering evidence of, or making any reference to, alleged prior drug or alcohol use by the Plaintiff, Michael Watson. As grounds for his Motion, the Plaintiff states that there is no evidence to suggest that Michael Watson was drinking or under the influence of drugs on the day of the accident. Where there is no evidence that the influence of drugs or alcohol had any effect on the accident or injury sustained by the Plaintiff, such evidence is irrelevant and inadmissible. *Walsh v. New London Hospital*, 856 F.Supp. 22, 23-24 (D.N.H. 1994)(Plaintiff's consumption of alcohol prior to accident inadmissible where there was no evidence to establish that the effects of alcohol had anything to do with his injuries sustained).

Evidence of past drug and alcohol use is inadmissible under Fed.R.Evid. 608 as it is in no way probative of Michael Watson's truthfulness or untruthfulness. In fact, such evidence is thoroughly irrelevant, highly prejudicial and should be excluded under Fed.R.Evid. 401 and 403.

Wherefore, the Plaintiff moves this Court to issue an order precluding the Defendant from introducing evidence of prior alcohol or drug use by Michael Watson.

The Plaintiff
By his attorneys

/s/ Jonathan E. Tobin
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CERTIFICATE OF SERVICE

I, Jonathan E. Tobin, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copied will be sent to those indicated as non-registered participants on February 21, 2007.

/s/ Jonathan E. Tobin
Jonathan E. Tobin